

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/090,561
	Filing Date	March 4, 2002
	First Named Inventor	Basil Naji et al.
	Group Art Unit	1755
	Examiner Name	Paul D. Marcantoni
Total Number of Pages in This Submission	Attorney Docket Number	131279-1019

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition for Extension of Time <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard IDS BY APPLICANT 10 pp. Copies of documents Check: \$180.00
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Or Individual Name	Monique A. Vander Molen; Reg. No. 53,716
Signature	<i>Monique A. Vander Molen</i>
Date	October 26, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO, to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and selection option 2

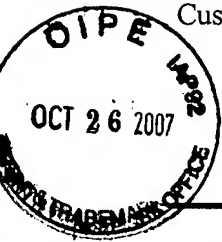
10-29-07

Attorney No. 131279-1019
Customer No. 60148

1755

SUPPLEMENTAL IDS
Application No. 10/090,561

1



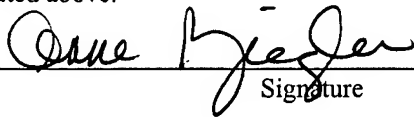
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAIL BY "EXPRESS MAIL"

"Express Mail" Mailing Label No. EL 994539119 US

Date of Deposit: October 26, 2007

I, Anne Ziegler hereby certify that the documents enclosed herewith are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date of deposit indicated above.


Signature

In re Application of: Basil Naji et al.
Application No.: 10/090,561
Filing Date: March 4, 2002
Group Art Unit: 1755
Examiner: Paul D. Marcantoni
For: Coating for Building Products and Methods of Making Same

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.97, Applicants respectfully submit the documents listed on the attached Forms PTO/SB/08A and PTO/SB/08B (10 pages).

10/30/2007 SSESHE2 00000004 10090561 186.00 UP
01 FC:1806

Applicants respectfully request, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the documents listed on the attached forms be considered and cited during examination of the above-identified application for patent. Pursuant to 37 C.F.R. § 1.98, a copy of certain documents are enclosed for the convenience of the Examiner, other than any U.S. patents and U.S. patent application publications. Furthermore, pursuant to 37 C.F.R. §§ 1.97(g) and (h), no representation is made that such documents as provided on the attached forms are material to patentability of the present application for patent or that a search has been performed.

These documents are being furnished, in part, because recent Federal Circuit decisions, including *McKesson Information Solutions Inc. v. Bridge Medical, Inc.*, 487 F.3d 897 (Fed. Cir. 2007), have extended the interpretation of the duty of disclosure. The listing and production of documents is being made out of an abundance of caution to assure compliance with various interpretations of the duty of disclosure. Applicants make no inference that the cited references are in fact material, non-cumulative or are prior art.

In view of recent Federal Circuit decisions, including *McKesson*, Applicants also remind the Examiner of applications that derive priority from the same applications as the subject Application for patent, some of which may be examined by other examiners at the USPTO. The list of such applications and their status is provided below.

<u>APPLICATION NO.</u>	<u>STATUS</u>
10/090299	Pending
10/090375	Abandoned
10/090560	Abandoned
10/090387	Issued as USP 6,749,897
10/090406	Issued as USP 6,893,751
11/128778	Pending; continuation of 10/090406
10/090385	Abandoned
10/090362	Abandoned
10/090338	Abandoned
10/090334	Abandoned
10/960150	Pending; continuation of 10/090334

On page 10 of the attached forms are Office Actions in applications, each of which derives priority from the same applications as the subject Application for patent, some of which may be examined by other examiners than Examiner Paul D. Marcantoni. These documents are being furnished because recent Federal Circuit decisions, including *McKesson*, have raised concerns that Office Actions, themselves, in such applications may be subject to a duty of disclosure.

Applicants remind the Examiner of obviousness-type double patenting rejections identified in this application that relied on U.S. Patent Nos. 6,346,146 and 6,506,248. Applicant notes that U.S. Patent No. 6,506,248 (filed as U.S. Application No. 09/058444) is a continuation of U.S. Application No. 09/058444 (now issued as U.S. Patent No. 6,346,146). Other obviousness-type double patenting rejections identified in this application relied on U.S. Patent No. 6,572,697 (filed as U.S. Application No. 09/803456), U.S. Patent No. 6,676,745 (filed as U.S. Application No. 09/969742) and U.S. Patent No. 6,749,897 (filed as U.S. Application No. 10/090387; identified in the table). It is further noted that U.S. Application No. 09/803456 is claimed for priority purposes in U.S. Application No. 10/414505. In addition, U.S. Application No. 09/969742 is claimed for priority purposes in U.S. Application Nos. 10/090060 and 10/757330.

Obviousness-type double patenting rejections identified in co-pending U.S. Application No. 10/090560 (presented in the table) relied on U.S. Application Nos. 10/090406 and 10/090375 (both identified in the table). Application No. 10/090406 (now issued as U.S. Patent No. 6,893,751) also had an obviousness-type double patenting rejection relying on U.S. Application No. 10/090375.

With regard to co-pending U.S. Patent Application No. 10/090334 (identified in the table), the application was used for an obviousness-type double patenting rejection in U.S. Application No. 10/070218.

The filing of this supplemental Information Disclosure Statement shall not be construed as an admission against interest in any manner, and shall not be construed as a representation that

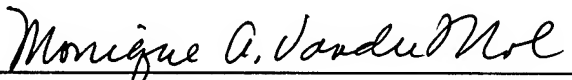
Applicants or Applicants' representatives have personal knowledge of the contents of the listed art or events surrounding the listed art.

The Examiner is requested to initial the attached form, as indicated. It is respectfully requested that the Examiner then return to the undersigned a copy of the initialed and completed Form that indicates the enclosed documents have been considered in their entirety.

Fees due with this submission are provided herewith. Should additional fees be required, the Commissioner is hereby authorized to charge such fees, including any under 37 C.F.R. §1.16 or 37 C.F.R. §1.17, to Deposit Account No. 07-0153 and to reference Attorney Docket No. 131279-1019. Please credit any overpayments to this same Deposit Account.

Please direct all correspondence to the practitioner listed below at Customer No. 60148.

Respectfully submitted,



Monique A. Vander Molen
Reg. No. 53,716

Gardere Wynne Sewell LLP
Thanksgiving Tower
1601 Elm Street, Suite 3000
Dallas, Texas 75201-4761
Telephone: 214.999.4330
Facsimile: 214.999.3623
Email: ip@gardere.com

October 26, 2007